

# MINUTES OF THE BOARD OF RESPIRATORY CARE PRACTICE APRIL 11, 2014 MEETING

## **Call to Order**

Frank Freihaut, Chairperson, called the meeting of the Board of Respiratory Care Practice to order at 10:06 a.m. (CST), Friday, April 11, 2014 located in Lower Level F Conference Room, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

## **Chairperson Announcement**

Mr. Freihaut announced that this is a public meeting and the Open Meetings Law was posted.

## **Roll Call**

The following Board members and Staff participated in the meeting:

Frank Freihaut, Chairperson

John Jarosz, Vice-Chairperson

Teresa Hawk, Secretary

Dr. William Johnson, Physician Member

Rene Tiedt, Program Manager

Bill Wisell, Health Licensing Coordinator

Julie Agena, Assistant Attorney General

Larry Wiehn, Investigations

Suzanna Glover-Ettrich, Dept. Legal Counsel

Jeff Newman, Investigations

## **Adoption of the Revised Agenda**

Mr. Jarosz moved, seconded by Ms. Hawk, to adopt the revised agenda. Voting Aye: Freihaut, Jarosz and Hawk Voting Nay: None Absent: Johnson Motion carried.

## **Approval of Minutes**

Ms. Hawk moved, seconded by Mr. Jarosz, to approve the minutes from the December 13, 2013 meeting. Voting Aye: Jarosz, Hawk and Freihaut Voting Nay: None Absent: Johnson Motion carried.

*Dr. Johnson joined the meeting at 10:07 a.m.*

## **Closed Session**

Mr. Jarosz moved, seconded by Dr. Johnson, to go into closed session at 10:09 a.m. for the purpose of discussing investigative reports and to protect the reputation of individuals named or referenced in such reports. Voting Aye: Hawk, Johnson, Freihaut and Jarosz Voting Nay: None Motion carried.

*Mr. Newman left the meeting at 10:26 a.m.*

*Mr. Freihaut left the meeting at 10:32 a.m.*

*Mr. Jarosz left the meeting at 10:50 a.m.*

*Mr. Wiehn left the meeting at 11:15 a.m.*

*Mr. Jarosz and Mr. Freihaut joined the meeting at 11:15 a.m.*

*Ms. Agena left the meeting at 11:16 a.m.*

## **Open Session**

Mr. Jarosz moved, seconded by Ms. Hawk, to come out of closed session at 11:26 a.m. Voting Aye: Johnson, Freihaut, Jarosz and Hawk Voting Nay: None Motion carried.

*Ms. Hawk left the meeting at 11:28 a.m.*

*Ms. Glover-Eltrich joined the meeting at 11:30 a.m.*

### **New Business**

Dr. Johnson moved, seconded by Mr. Jarosz to approve the Conviction Guidelines as presented. Voting aye: Freihaut, Jarosz, Hawk and Johnson Voting Nay: None Absent: Hawk Motion carried.

Dr. Johnson moved, seconded by Mr. Jarosz to reaffirm the mail ballot decision to issue licenses to: Fay Ritz, Michael Clark and Rebecca Lindberg to practice respiratory care in the State of Nebraska. Voting Aye: Freihaut, Jarosz and Johnson Voting Nay: None Absent: Hawk Motion carried.

Mr. Wisell provided the Board a copy of the Application Processing Report. The report shows the number of applications currently being processed by the Department; number of applications denied; number of licenses issued; and number of active licenses. This report was for information purposes only.

*Ms. Hawk left the meeting at 11:28 a.m.*

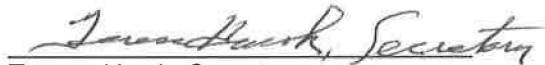
The Department had received a request for a Board opinion on whether a respiratory therapist in a call center located in a different state would need to be licensed in Nebraska to provide education on C-PAP and Bi-PAP equipment to Nebraska residents. After discussion, Dr. Johnson moved, seconded by Mr. Jarosz to reword the May 14, 2010 decision to state that an unlicensed person can "set up" a CPAP or Bi-PAP machine, however, that a only a Nebraska licensed respiratory care practitioner can carry out the physician's order and must be physically present during the initial setup of the machine which tasks include: checking that the prescribed level of oxygen is being provided, starting the equipment with it hooked up to the patient at the prescribed setting, explaining or instructing the patient or the family of the physiological hazards, assessing the patient's knowledge and understanding of the instructions, assessing the physical condition of the patient, and checking back on a regular basis to determine if the patient is responding appropriately. The Board stated that they have a serious concern about providing CPAP and Bi-PAP machines by unlicensed persons for the initial "set up" of the machine without the additional care being provided by a Nebraska licensed respiratory care practitioner; such as starting the equipment hooked up to the patient as prescribed; assessing patient's knowledge and assessing the patient's condition. Voting aye: Hawk, Johnson, Freihaut and Jarosz Voting Nay: None Motion carried.

The next Board meeting is scheduled for Friday, August 1, 2014 and will begin at 10:00 am and will be held in Lower Level Conference Room B, State Office Building, 301 Centennial Mall South, Lincoln, NE.

### **Adjournment**

The meeting was adjourned at 11:55 a.m.

Respectfully submitted by:



Teresa Hawk, Secretary

Prepared by: Bill Wisell, Health Licensing Coordinator